

**Commission Meeting of June 24, 2004
10:30AM-1:00PM**

Commission Members Present:

Chairman John Rep. Aguilera
Senator Tom Senator Wyss
Secretary Carmen Quintana
Secretary Cheryl Sullivan via proxy Annette S. Biesecker
Mr. Gregorio Chavez
Mr. Ronnie Cantu
Mrs. Claudia Ontiveros Fuentes
Executive Director Sandra Leek via proxy
Mr. Mike Draper
Ms. Mara Candelaria Reardon
Mrs. Juana Watson

Executive Director, Jenny Sarabia

Volunteers:

Tami Hart
Lawrence McCormack, Legislative Assistant to Chairman Rep. Aguilera

Guests:

The Honorable Judge Harkin
Dan Henkle, Bureau of Motor Vehicles
Joe Rodriguez, Hispanic Liaison – City of Hammond

Meeting Minutes

Chairman Rep. Aguilera: Called meeting to order, established quorum. Went over past meeting minutes to adopt the minutes from March and April Meetings (asked for a motion) Will adopt May meeting minutes at the next meeting. “Most of this meeting will be used to address the BMV issues. First, we will discuss the board retreat for August to work on by-laws, strategic plan and budget. Second week of August (Aug. 13th and 14th), Friday would be August meeting, and include half of Saturday. Each member needs to come with a draft of by-laws. Purpose to outline how commission is to work together. Mr. Soto has a moderator for the retreat.” (asked for a motion to accept, motion accepted) Asked members to try to keep that date open—specifically members of the standing committees, would like many members to participate. By-laws committee to take sample by-laws and put together a rough draft. Mr. Chavez and other members to put together a draft. Claudia working with the budget. By-law subcommittee has not yet met.

Mara Candelaria Reardon: Education sub-committee report. Number of language minority enrollment. Marion, St. Joseph, and Lake Counties with highest numbers.

Rep. Aguilera: At summit, President of Purdue said that if they have an Indiana address, they are not questioned. It is possible for undocumented people can get in-state tuition. This is the case for most colleges. Indiana is making the effort to get in-state tuition for those who might be undocumented.

Jenny Sarabia: The webpage is in the works. Asked for amendments to bios, or to turn in photos and bios for the webpage. Jenny will take photos if needed. Passed out open access laws to commission heads. Spoke about open access laws, indicated that if two members are to meet then it needs to be posted. Offered to do the postings or do the work necessary. Includes telephone conversations. Latino Summit-Commission had two workshops. Nothing but positive response.

TOPIC:

Rep. Aguilera: BMV issue-due to security concerns, it is more difficult for people to get licenses. This is causing issues with unlicensed, uninsured drivers on the road. People need to have licenses to get to work. We need to find a way to balance these security concerns with giving people the opportunity to drive themselves to and from work. Solutions state government to try to ameliorate the situation-Jenny discuss this. Talked about Judge Harkin and the city of Hammond. Will speak to BMV and public about the issue.

Jenny Sarabia: Reported on relationship with BMV in English and Spanish. One central location to serve as a pilot that will provide translating services. Another issue, drivers manual in Spanish. Joe Rodriguez informed commission that the requirements were never in Spanish. Now they are in Spanish. Jenny and Commission thanked Mr. Rodriguez for the information. Ultimately, the requirements are translated in Spanish for the public.

BMV changes-all states began restricting identification requirements after Sept. 11. They have lessened the requirements somewhat, went from point system to a primary and secondary document. House enrollment act 1841-social security number required, the reason for TANF requirements (This was required by the federal government). Name, DOB, Sex, SSN, and address are required to get a driver's license. Matricula card is able to be used as secondary document. BMV changed leadership-Commission DePrez. Latino community and other foreign nationals were being charged exploited prices for translating, internal problems with BMV. Central processing center requires that foreign nationals translate their documents into English, give them to the license branch, they make copies and return the originals. A 60 day permit is issued, then the documents are verified, if there is a problem the person is issued a letter and the person can appeal. Identified conflicts=social security numbers, what happens once a person gets caught driving with a license. Discussed the consequences for not attending a court hearing after being caught driving with a license.

Rep. Aguilera: BMV guest will speak

Mr. Dan Hinckle from the BMV: Fed. And state law require SSN for identification, it is not within the power of the BMV to go around that.

Jenny Sarabia: Provides detailed information in English and Spanish.

Rep. Aguilera: When were the changes made to the requirements? When were the changes were made - he was not made aware that that is why the changes were made.

Merrill CCC Legislative Liaison: SSN were required for various government documents. It was simultaneous with Sept. 11, the changes predate Sept. 11. Mentioned Child support matters.

Senator Tom Senator Wyss: Serves as a member on the Indiana Counter-terrorism council. Purpose to restrict foreign nationals access to identification. Conflict-situation with undocumented workers. This is a distinct problem from fear of terrorism. Identified TANF requirement as how this came to be. Recognizes the difficulty of the situation. The president has talked about a system to work with the undocumented. Issues-no way to get criminal background on people when using the matricula cards. We have to walk very slowly to make sure a bigger problem is not occurring. The changes made did not resolve the problem. The state government wants to resolve the problem, but it will not be a quick solution.

Rep. Aguilera: How does the person with a work visa-are they required to get a social security number?

Jenny Sarabia: Spoke about different types of visas: student visas, work visas

Senator Senator Wyss asked: with visas, they have passports?

Rep. Aguilera: Trying to articulate what is required

Dan Hinckle: Primary, secondary documents, and SSN required. Gave examples of situation when a person is here legally, but not be eligible for social security.

Jenny Sarabia: Primary and secondary documents required, proof of residency, and in addition a SSN is required. Foreign passports must have an I94 attached to it, only legal people will have this.

Rep. Aguilera: Federal id number, how does this work?

Jenny Sarabia: The IRS is it's own body, they created the TIN number so that people could get their tax money back. It's not an identification number, it's not

proof of who you are, where you are from. The issuance of these numbers is being restricted. Translate in Spanish.

Rep. Aguilera: Asked if Juana Watson had something to say.

Juana Watson: discussing passport, passport needs stamp of American embassy.

Rep. Aguilera: Questions from commission? Introduced Judge Harkin.

Judge Harkin: Driving without license is class c misdemeanor punishable by 60 days in jail. Hammond has a large population of Spanish speaking individuals, second largest in the state. The problem is a public safety issue-the residents cannot get DL's and insurance, putting the public at risk. Residents must drive because there is not a public safety system, gets arrested, gets incarcerated, must post bail or lose job. No solution as things are now-need legislative changes. Federal government should deal with this issue at the border, once they become citizens of Hammond they should be treated fairly. The people will drive, they have no alternative. They are working, paying taxes, rent, and buying our products, and we are trying to prohibit them from driving. As the system works now, there is no solution to the problem, it is a never-ending cycle and it needs to be fixed.

Rep. Aguilera: Questions to judge?

Senator Senator Wyss: Do you ever do trial without jury?

Judge: Yes

Senator Wyss: Does previous criminal history mean anything to it?

Judge: If prosecutor finds it relevant to enter into evidence.

Senator Wyss: Does sentence take into account previous criminal history

Judge: It matters on how it was prosecuted. The prosecution has the discretion to look at enhancements for previous criminal history.

Senator Wyss: Anyone without a license but has car insurance?

Judges: Yes

Senator Wyss: I'm trying to understand the problem

Judge: This is not a draconian court, we're not dealing with criminals. I order uninsured drivers to get insurance.

Senator Wyss: When they are driving how do they get plates?

Judge: A lot of different places because BMV does not check to see if insurance is still in effect.

Mr. Gregorio Chavez: Keeps insurance current, people need to be taught to keep it current. If they get caught, they will be fined.

Rodriquez: Hammond is next to Illinois, there is a transient population moving back and forth from states. They get plates from Illinois and get a license from Illinois, then come back to Indiana. They are not criminals, they want to work. The terrorists had visas and background checks.

Senator Wyss: This is not the answer, Timothy McVeigh and McNichols committed crimes.

Rodriquez: The terrorists had visas and background checks

Senator Wyss: Problem-trying to determine, what's enough without stepping on people's rights.

Alt. for Secretary Cheryl Sullivan: Because of the federal law involving child support enforcement, the solution requires SSN on Driver's license-asks judge or Rodriquez what is the solution to this?

Rodriquez: Did not know of the requirement of SSN. How does federal mandate require BMV to require this?

Sec. Cheryl Sullivan: The federal law requires this to be on the licenses.

Senator Wyss: DL number identifies SSN as you.

Rodriquez: In past, SS card could not be used as identification. There is not guarantee about the legitimacy of SS cards.

Rep. Aguilera: Further questions?

Dan: We do check SSN. It is possible for the license branch to check in a national database.

Rep. Aguilera: Further questions? None, audience participation, please limit comments to 3-4 minutes.

Audience question #1: Mass CPR training event to train people for CPR. No certification, free health screens, massages, at colts complex. Saturday, July 17th 10-2.

Marvin Selva: Concern is that we are making an issue about how to give a DL or ID, SSN does not mean that it is legitimate. Has application to obtain an IT number to prepare taxes. Can notarize documents. This document should be allowed to be used. SSN should be issued for the sole purpose of driving. It is in everyone's interest that people can drive legally.

Rep. Aguilera: Any questions of him?

Marvin: Has 1500 signatures in protest to the situation.

Mrs. Juana Watson: We need to follow the rules of this country. It is a public safety issue, what are the other alternatives?

Marvin: Need SSN to get license. Why ask for this document we know they don't have? Substitute is the W7 application, the federal government is willing to accept foreign documents to get the IT number.

Senator Wyss: The law was passed because the federal government said to pass the law. We cannot do what you are suggesting. The US wants to make sure that it's getting it's tax money. The state law was mandated by the federal government-it is not a matter of option.

Marvin: The issue is how to prove who they are. These people are paying taxes for benefits that they will never receive. They do not get Earned Income Credit. The people are already here, there are ways to identify them and their documents, they are willing to pay.

Senator Wyss: How can we identify who they are?

Marvin: Can verify by name, DOB, and foreign documents required by IRS. How is the IRS identifying these people, because they are accepting them.

Rep. Aguilera: Questions?

Mrs. Mara Candelaria Reardon: Federal regulation involving child support issues and collections-there should be another way to do this. The mandate was not intended to keep these people from driving. How can the child support issue be worked without infringing on the abilities of people to drive?

Mrs. Mara Candelaria Reardon: How to change the federal law? If we changed that, we could change the Indiana law. We can't change the federal law.

Mrs. Mara Candelaria Reardon: It is based on the issue of child support.

Senator Wyss: We don't have to do it (Pass the law) but we have to do it to get federal funding. It was done before 911, that had nothing to do with the issue. That's when the BMV issues came in.

Jenny Sarabia: Discusses the commerce clause and how the federal government uses it to make state enact certain laws. Our governor cannot make these changes, only the federal government can do it.

Rep. Aguilera: A few states are finding ways to get licenses, we need to work with the BMV to find out about these states.

Audience Question #2: Worker for Mexican alliance. Because they cannot get licenses, they are treated as criminals. They need other opportunities to get an ID or license. People lose their jobs, have to pay court costs. People are willing to provide finger prints for identification purposes.

Senator Wyss: If they can prove they are who they are and this is my criminal history, then they can be accepted. This is the problem-the matricula card is not the answer. It cannot tell the criminal history.

Jenny Sarabia: In Mexico, the answer is the voter card. It is difficult to get. The closest ID to what we have is the voter card.

Audience question #3: Concerned by comments of elected members of commission. Has been affected personally by these regulations and unlicensed drivers. Is a US citizen, does not want SSN on driver's license due to personal security reasons. The Mexican documents go through a rigorous screening. The Consulate can identify valid or invalid documents. Asking for help from Representative Rep. Aguilera to initiate changes. Other states are dealing with this problem successfully. Agrees with fingerprinting. Citizens also have problems getting documents to get a license, this affects people other than Latinos. Asks commission to remember that these people are paying taxes without being represented. Wants commission to figure out a solution to this problem. Would not vote for Senator Wyss, does not think he is here to help them out.

Juana: Commission will listen to all sides in the community, to be fair in recommendation, everyone's views need to be taken into account. Need a valid, accepted recommendation that will be best for everyone.

Audience question #4: Most likely that will have the support of the community.

Rep. Aguilera: It is only an option to have SSN on license.

Audience question #5: Concern-the people will do whatever it takes to get a license, whatever the requirements. The people need to drive in order. Understands the

security issues mentioned by Senator Senator Wyss. Suggests making people to repay for one year's worth of insurance.

Audience question #6: When people are arrested it also affects the family when a person is arrested for driving without license. Need to work to support family here and in Mexico. The terrorists who attacked the US were not Mexico.

Audience question #7: This issue is affecting everyone, not just the unlicensed drivers. They will do anything to get a license legally. There are no other options that to do what they are doing. Documents from Mexico should be allowed to be used as identification. By allowing this, there will be documentation of identity.

Audience question #8: People are still driving even though they are not licensed. Involved in a court case because he was pulled over for Driving without a license.

Audience question #9: Business owner-his father was killed by an uninsured driver. This could happen to anyone. Has an ID from the Dominican Republic. If a poor country is able to do it, why can't the state of Indiana? His business is going down quickly because people are not coming or doing commercial business because they do not have drivers license. When this happens, he'll just live off the federal reserve.

Audience question #10: Needs DL has to travel for work. One requirement for work is insurance, does not have license. Has been in jail for driving without a license. He will continue risking it and driving without a license.

Audience question #11: Concern-people being treated as criminals in this issue. Many Latinos are citizens of the U.S. why is it so hard for the U.S. to change it's laws, it's the most powerful country in the world.

Audience question #12: Asks about people that have to go to court. Has been to court once, has been asked to go again. What's going to happen the second time?

Judge Harken: Gives some possibilities

Audience question #13: Even though involved in this process, she is still going to drive.

Rep. Aguilera: One more comment only

Audience question #14: Dad needs DL to go to work.

Audience question #15: Is U.S. Citizens, does not need to be here-here to support her people. How does a passport prove anything about a person? Why is the U.S. not doing this, it is the richest country in the world. Before going to help other

people in other countries, we should change this problem. Many Latinos are U.S. citizens and pay taxes.

Rep. Aguilera: Thank you for your comments

Audience question #15: Concern-is the commission wiling to help us.

Rep. Aguilera: We have taken up the issue, we will see what we can do. We will continue to address it, will look at other states, and come up with some recommendations. Give us some time if you didn't see that we were addressing the issue, I'd be concerned. We have people who are interested in seeing that the community be addressed, but there are a lot of things that need to be addressed with this issue.

Jenny: Thanks the public for taking time out of their work day to come to the meeting. Tells the public that they are welcome to come to other meetings because there are other issues in the Latino community that need to be addressed.

Senator Wyss: Wants to make a statement before everyone leaves.

Rep. Aguilera; Tells the public they can attend any meeting, there is public notice posted.

Senator Wyss: Unfortunate comments from the speakers related to him, wants to tell the public that he was instrumental in creating the commission with Rep. Aguilera, they wanted to move it out of the political arena, that's why there are people from each party on the commission. Was trying to explain the factors to the problem. What they should keep in perspective is that there are a multitude of issues that the commission will try to address and resolve, but that people need to understand what has lead us to this problem. The legislatures represent all the people in the state and the initial responsibility is the public health and responsibility, then they will try to address conflicts of particular communities. The purpose of the commission is to address the conflicts of the Hispanic community and the commission is trying to help.

Jenny Sarabia: Explains the make-up of the state congress and explains that without Senator Wyss that this commission would not exist if not for Senator Wyss' direct support of the Commission's bill, his support was necessary.

Juana Watson: Asks for volunteers for her committee

Rep. Aguilera: Thank you very much for coming up and talking to us about the issues. We do have a committee to try to address these issues.